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In re Application of :
NARODITSKY :
Application No.: 10/577,859 : DECISION ON
PCT No.: PCT/IL2004/000066 :
Int. Filing Date: 22 January 2004 : PETITION UNDER
Priority Date: 23 January 2003 :
Attorney Docket No.: 26804 : 37 CFR 1.137(b)
For: INERTIAL NORTH FINDER :
:

This decision is in response to applicant's submission filed 28 April 2006.

BACKGROUND

On 22 January 2004, applicant filed international application PCT/IL2004/000066 which designated the U.S. and claimed a priority date of 23 January 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 05 August 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 25 July 2005 (23 July 2005 being a Saturday).

On 28 April 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of the inventor, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 28 April 2006.

As to item (2), applicant submitted the petition fee on 28 April 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

Declaration of Inventors

The declaration of inventors filed 28 April 2006 is not in compliance with 37 CFR 1.497(a)-(b). There is a difference in names in the named inventor between the published international application (Michael NARODITSKY) and the declaration of the inventor (Michael NARODNITSKY). It is not clear if there was a typographical in the last name of the inventor as indicated in the international application (an acceptable explanation would be required), or if the inventor has changed his name (a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) would be required), or if a change of inventorship is being made from the inventorship of the application as indicated in the international application (a petition under 37 CFR 1.497(d) would be required).

Also, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage is required.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Regarding the name of Mr. NARODITSKY, a proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the last name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c))) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. Extensions of time under 37 CFR 1.136(a) are available.

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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